

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.23110 of 2018
and
CRL.M.P.No.12876 of 2018

1.Ramalingam
2.Ramakrishnan
3.Rajalakshmi
4.Ramamoorthy

..Petitioners/Accused

Vs.

The State rep. by, Station House Officer,
All women Police Station,
Panruti.

..Respondent/Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records relating to impugned order dated 05.02.2018 passed by the Learned Judicial Magistrate No.1, Panruti in CMP.No.4306 of 2017 in C.C.No.57 of 2012 and set aside the same and consequently allow the petition filed by the petitioner in CMP.No.4306 of 2017 in C.C.No.57 of 2012 under Section 311 of Cr.P.C. for seeking permission to recall PW7 for cross examination by the petitioner.

For Petitioner : Mr.K.Moorthy

For Respondent : Mrs.M.Prabhavathi, APP

ORDER

Petitioners are facing prosecution in C.C.No.57 of 2012 for the offences under Section 498(A) and Section 4 of Dowry Prohibition Act. The petitioner has filed C.M.P.No.4306 of 2017 in C.C.No.57 of 2012 under Section 311 Cr.P.C to recall PW7, which was dismissed by the trial Court on 05.02.2018. Challenging which, this petition has been filed.

2.Heard the learned counsel for the petitioners/accused and Additional Public Prosecutor.

3.On a perusal of the records, it is seen that PW7 was Investigating Officer and he was examined in-chief on 27.06.2016. He was not cross-examined on the same day, in compliance with the directions of the Supreme Court in Vinodh Kumar Vs State of Punjab 2015[1] MLJ [Crl] 288. After a lapse

on one year, the accused filed C.M.P.No.4306 of 2017 in C.C.No.57 of 2012 to recall PW7 on the following ground:

"The petitioners unable to collect the particulars of the case, hence there were not able to give instructions to their counsel."

For cross-examining the Investigating Officer, it is not necessary for the accused to collect the particulars of the case. Thus, the accused has not given any good reasons for recalling PW7.

4.Hence, this Court does not found any infirmity in the order passed by the trial Court warranting interference. In the result, this petition is devoid of merits and dismissed. Consequently, connected Miscellaneous Petition is closed.
Gya

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.Judicial Magistrate No.1, Panruti.
2. -do- thro The Chief Judicial Magistrate, Cuddlore.
- 3.The Station House Officer,
All women Police Station, Panruti.
- 4.The Public Prosecutor, High Court, Madras.

+1cc to Mr.K.Moorthy, Advocate S.R.No.67356

KR/22/10/18

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